

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$67,500.00, more or less, in U.S.

Currency,

Defendant.

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CIVIL ACTION NO: 19-00144

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

COMES NOW the United States of America, by and through Richard W. Moore, United States Attorney for the Southern District of Alabama, and brings this Verified Complaint for Forfeiture *in rem*, with the following allegations:

NATURE OF THE ACTION

1. This is a civil action for forfeiture brought against the above-referenced defendant, \$67,500.00, more or less, in U.S. Currency, pursuant to 21 U.S.C. § 881(a)(6), which subjects to civil forfeiture all money or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of the Controlled Substances Act, all proceeds traceable to such an exchange, and all money used or intended to be used to facilitate any violation of the Controlled Substances Act.

JURISDICTION AND VENUE

2. This Court has jurisdiction over an action commenced by the United States pursuant to 28 U.S.C. § 1345, and over an action for forfeiture *in rem* pursuant to 28 U.S.C. § 1355(a).

3. Venue is proper in this Court under 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred within the Southern District of Alabama, and also pursuant to 28 U.S.C. § 1395(a) and (b), which provide that a forfeiture action may be prosecuted in the district where it accrues, the defendant is found, or the property being forfeited is found. This action accrued in this district, and the \$67,500, more or less, in U.S. Currency, was found in this district.

THE DEFENDANT *IN REM*

4. The defendant *in rem* is \$67,500.00, more or less, in U.S. Currency.

SUPPORTING FACTS

5. On Monday, August 13, 2018, Deputy Sheriff Joseph Stabler of the Baldwin County Sheriff's Office was working traffic enforcement along Interstate 65 in Baldwin County, Alabama, when observed a silver Nissan Pathfinder displaying a New Jersey license plate traveling southbound near the 40 mile-marker. Deputy Stabler observed the Pathfinder cross over the white fog line more than once, in direct violation of Alabama Traffic Code 32-5A-88, improper lane usage, and when he pulled alongside the vehicle, he also observed nervous behavior by its occupants. Deputy Stabler decided to conduct a traffic stop, which occurred at or near mile marker 37, near Bay Minette, Alabama.

6. After the Pathfinder came to a rest on the shoulder of the interstate, Deputy Stabler approached and introduced himself to the three occupants of the vehicle, and he requested to see the driver's driver license and insurance. The driver began looking for his license, and while he did so, Deputy Stabler observed additional nervous, evasive behavior from the vehicle's occupants. After a few moments, the driver found his paperwork but stated that he only had his old driver license. The registered owner of the Pathfinder was not present.

7. During the traffic stop, the driver and other two occupants gave inconsistent information about their travel plans, and they continued to act nervously throughout the stop. The driver, who stated that he worked in pharmacy, also could not remember his passengers' last names, even though he stated that they were friends and that he had known each of them for several years.

8. Deputy Stabler gave the driver a completed warning for improper lane usage, lack of proof of insurance, and failure to have a current driver license. Deputy Stabler then broke contact with the driver and re-engaged him in a consensual conversation. Deputy Stabler asked the driver if he could search the vehicle and the driver gave consent.

9. During the search, deputies discovered that a hidden, aftermarket electronic compartment was installed on the underside of the Pathfinder. The deputies were subsequently able to access the hidden compartment, and inside they discovered three large bundles wrapped in plastic. There was also a fourth, smaller bundle wrapped in the same manner. The contents of the bundles were \$67,500.00, more or less, in U.S. Currency. The currency was wrapped with fresh dryer sheets, a tactic commonly used by drug traffickers to prevent police K-9's from alerting on money that has been in the presence of illegal narcotics. The bundles of money were also wrapped in carbon paper, which, again, is a tactic commonly used by narcotics traffickers because it can absorb odors.

10. After the seizure, the currency was secured in a box and placed inside of a secure room. A trained K-9 was then deployed, and the K-9 gave a positive alert on the currency for the odor of narcotics.

11. The three occupants of the vehicle were each interviewed by the DEA, and each one disclaimed any knowledge or ownership of the U.S. currency. All three were released from

the Baldwin County Sheriff's Office with no criminal charges being filed at that time. After taking custody of the \$67,500.00, the DEA subsequently transferred it electronically to the United States Marshal's Service, where it remains.

12. Based on the foregoing, a preponderance of the evidence supports that the defendant \$67,500.00, more or less, in U.S. Currency is money furnished or intended to be furnished in exchange for a controlled substance, proceeds traceable to such an exchange, and money used or intended to be used to facilitate violations of 21 U.S.C. § 846 or 21 U.S.C. § 841, and thus subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America requests that the defendant funds be forfeited and condemned to the United States of America; that the United States be awarded its costs and disbursements in this action; and that the United States be granted such further relief as this Court deems proper and just.

Respectfully submitted,

RICHARD W. MOORE
UNITED STATES ATTORNEY

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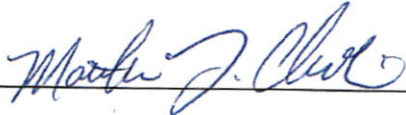
VERIFICATION

I, Matthew J. Chakwin, hereby declare and verify the following:

I am a Special Agent with Homeland Security Investigations (HSI). I have been employed in that capacity for approximately 10 years. I am presently assigned to the Office of the Resident Agent in Charge, Mobile, Alabama. I have undergone extensive training in connection with my employment for the investigation of money laundering, drug trafficking, drug smuggling, and other related offenses. I have led, supervised and participated in several complex investigations concerning importation, manufacture, trafficking and distribution of controlled substances. Through my training and experience, I have become familiar with the manner and means that drug traffickers use to conceal their illegal drug money from detection by law enforcement, including by the methods employed in this case.

I am familiar with the aspects of this investigation as described in the Supporting Facts section above. The statements contained therein are based upon my knowledge and information provided by other law enforcement officers involved in this investigation. The Supporting Facts section of this Complaint does not contain all the facts that I have learned during the course of this investigation.

I have read the foregoing Supporting Facts section of this Verified Complaint *in rem*, and know the contents thereof. Pursuant to 28 U.S.C. § 1746, I hereby verify and declare under penalty of perjury that the Supporting Facts section and this verification are true and correct to the best of my knowledge, information, and belief.



Homeland Security Investigations

JS 44 (Rev. 08/18)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

DEFENDANTS

\$67,500, more or less, in U.S. Currency

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Daryl A. Atchison, AUSA, U.S. Attorney's Office, SD/Alabama
63 S. Royal Street, Suite 600, Mobile, Alabama 36602

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 U.S.C. 881(a)(6)

Brief description of cause:
Complaint for Forfeiture

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Terry F. Mooror

DOCKET NUMBER 19-MC-00003

DATE

03/22/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE